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Rights of indigenous peoples

Status of the United Nations Voluntary Fund for Indigenous Populations

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the United Nations High Commissioner for Human Rights on the status of the United Nations Voluntary Fund for Indigenous Populations, submitted pursuant to General Assembly resolution 40/131.

* A/67/150.

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Report of the United Nations High Commissioner for Human Rights on the status of the United Nations Voluntary Fund for Indigenous Populations

Summary

The present report on the status of the United Nations Voluntary Fund for Indigenous Populations is submitted in accordance with General Assembly resolution 40/131. It provides updated information on the activities of the Fund since the submission of the previous biennial report (A/65/163), including the twenty-fourth and twenty-fifth annual sessions of the Board of Trustees, held in 2011 and 2012, respectively. It also reports on the outcome of the intersessional virtual meetings of the Board, a working method established to respond to the expansion of the mandate of the Fund to sessions of human rights treaty bodies and of the Human Rights Council.

I. Mandate of the United Nations Voluntary Fund for Indigenous Populations

1. The initial mandate of the United Nations Voluntary Fund for Indigenous Populations, established pursuant to General Assembly resolution 40/131 of December 1985, was to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing them with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations and other private or public entities.

2. Over the past 25 years, the mandate of the Voluntary Fund for Indigenous Populations has been extended five times, giving the opportunity to indigenous communities and organizations to participate in the deliberations of other human rights mechanisms and to contribute to important developments on indigenous issues that take place at the international level.

3. The first extension of the Fund occurred in December 1995 (General Assembly resolution 50/156) and gave indigenous communities and organizations the possibility of participating in the deliberations of the open-ended intersessional working group of the Commission on Human Rights to elaborate a draft declaration on the rights of indigenous peoples. As a result, around 130 specialized indigenous activists received financial support from the Fund to attend sessions on the draft declaration, thus contributing to this major standard-setting exercise, which culminated on 13 September 2007 in the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the General Assembly in resolution 61/295.

4. The mandate of the Fund was further extended following the creation, by the Commission on Human Rights (resolution 1998/20, endorsed by the Economic and Social Council in its decision 1998/247), of an open-ended intersessional ad hoc working group to elaborate and consider proposals for the possible establishment of a permanent forum for indigenous people in the United Nations system. The General Assembly decided, in its resolution 53/130, that the Fund should also be used to assist indigenous representatives in participating in the deliberations of the ad hoc working group. The Fund subsequently allocated grants to some 50 indigenous representatives to attend meetings of the group.

5. The Economic and Social Council, in its resolution 2000/22, established the Permanent Forum on Indigenous Issues as a subsidiary organ of the Council. As a response to this development, the General Assembly decided, in its resolution 56/140, that the Fund should also be used to assist representatives of indigenous communities and organizations to attend the sessions of the Permanent Forum on Indigenous Issues as observers.

6. In its resolution 63/161, the General Assembly adjusted the mandate of the Fund so as to facilitate the participation of representatives of indigenous peoples' organizations in the Expert Mechanism on the Rights of Indigenous Peoples, established as a subsidiary organ of the Human Rights Council in accordance with its resolution 6/36.

7. The most recent expansion of the Voluntary Fund for Indigenous Populations occurred on 21 December 2010. Pursuant to General Assembly resolution 65/198, the

participation of representatives of indigenous communities and organizations was extended to sessions of the Human Rights Council and human rights treaty bodies.

II. Administration of the Fund and composition of the Board of Trustees

8. Pursuant to General Assembly resolution 40/131, the Fund is administered by the Secretary-General, in accordance with the relevant financial rules and regulations of the United Nations on general trust funds for humanitarian assistance, and with the advice of a Board of Trustees. The recommendations of the Board are approved by the United Nations High Commissioner for Human Rights on behalf of the Secretary-General. The Office of the United Nations High Commissioner for Human Rights (OHCHR) acts as the secretariat of the Fund and the Board.

9. The Board of Trustees is composed of five persons with relevant experience on issues affecting indigenous peoples, who serve in their personal capacity as United Nations experts. The Board members are appointed by the Secretary-General for a three-year renewable term.

10. The current Board members appointed by the Secretary-General for the period from 1 January 2012 to 31 December 2014 are: Mr. Kenneth Deer (Canada), Mr. Shankar Limbu (Nepal), Ms. Dalee Sambo Dorough (United States of America), Mr. Legborsi Saro Pyagbara (Nigeria) and Ms. Joenia Batista de Carvalho (Brazil).

III. New developments resulting from the expansion of the Fund to sessions of the Human Rights Council and human rights treaty bodies

11. In May 2010, OHCHR submitted a concept note outlining the practical implications of a change in the mandate of the Fund, in accordance with Human Rights Council resolution 12/13 of 1 October 2009, and presented it at the fifteenth session of the Human Rights Council. By resolution 65/198, the General Assembly decided to expand the mandate of the Fund to facilitate the participation of representatives of indigenous peoples' organizations and communities in sessions of the Human Rights Council and of human rights treaty bodies.

12. Subsequently, the Board of Trustees had to review and adapt its working methods and methodology to respond to this new decision. This exercise has been carried out through broad consultations and meetings with the secretariats of the relevant human rights mechanisms, including the Human Rights Council, the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee on the Elimination of Discrimination against Women.

13. The Board of Trustees held extensive discussions on the practical implications of the expansion of the mandate of the Fund, especially during its twenty-fourth and twenty-fifth annual sessions. Those discussions focused on the following topics: new selection criteria; pre-screening and selection; the application process; monitoring and follow-up activities of selected applicants; dissemination of information; new grant cycles; and intersessional virtual meetings. Meetings with several sections of OHCHR were also organized, in particular to discuss the

modalities for the participation of non-governmental organizations in sessions of the Human Rights Council and of the human rights treaty bodies.

A. Selection criteria and application

14. In addition to the selection criteria previously endorsed, the Board of Trustees considered new criteria for the selection of applicants wishing to attend sessions of the Human Rights Council and the human rights treaty bodies (see annex).

15. The application forms have been adapted to the expanded mandate: additional sections have been inserted, which request information on the experience of the applicants in the use of human rights mechanisms. The form also requests more information, in particular on the expected impact at the national level of the applicant's participation in meetings of the human rights mechanisms, as well as activities that are envisaged to follow up on the recommendations of the Human Rights Council, including its universal periodic review, and the human rights treaty bodies.

B. Working methods of the Board of Trustees

16. The Board of Trustees has adapted its working methods in order to respond to the new challenges arising from the expansion of the mandate of the Fund. In addition to its annual sessions, the Board has established a system of intersessional meetings organized by means of e-mail or videoconference to decide on the allocation of grants to indigenous peoples' organizations and communities which wish to participate in sessions of the Human Rights Council, including its universal periodic review, and the human rights treaty bodies. A new grant cycle, tailored around sessions of these human rights mechanisms that are held throughout the year, has also been adopted.

17. In 2011, two intersessional virtual meetings were organized, from 25 to 29 July and from 5 to 9 December, respectively. The Board members considered applications to attend the eighteenth and nineteenth sessions of the Human Rights Council, as well as sessions of the treaty bodies being held between September 2011 and March 2012, including sessions of the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child. Seven grants were allocated for an estimated total of $16,951.

18. In 2012, one intersessional virtual meeting was held from 7 to 11 May. The Board of Trustees allocated two grants for the participation of indigenous peoples' organizations and communities in the 81st meeting of the Committee on the Elimination of Racial Discrimination for an estimated amount of $10,537. There will be two more intersessional virtual meetings in August and November 2012.

IV. Twenty-fourth and twenty-fifth annual meetings of the Board of Trustees

19. The Board of Trustees held its twenty-fourth and twenty-fifth annual meetings from 7 to 11 February 2011 and from 6 to 10 February 2012, respectively.

20. During the meetings, the Board of Trustees reviewed the implementation of the recommendations adopted during its previous sessions and examined information prepared by the secretariat, in particular information related to the financial situation of the Fund, including contributions received or pledges made. It decided to allocate grants to indigenous representatives wishing to participate in meetings of the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, the Human Rights Council, the universal periodic review and the human rights treaty bodies.

21. In addition, the Board of Trustees held meetings with 25 Member States during two donor meetings that were organized during the twenty-fourth and twenty-fifth annual sessions. While the Board members expressed their gratitude to Argentina, Australia, Chile, Cyprus, Ecuador, Estonia, Finland, Germany, the Holy See, Mexico, Norway, Spain and Turkey for their generous contributions to the Fund, they also raised their concerns about the 75 per cent decrease in the amount of contributions received between 2008 and 2011.

22. The recommendations made by the Board of Trustees during those two annual meetings as well as during the intersessional virtual meetings were approved on 28 February 2011 and on 1 March 2012 by the High Commissioner for Human Rights on behalf of the Secretary-General.

A. Twenty-fourth session of the Board of Trustees: consideration of applications received

23. The Board considered 349 applications for an estimated total amount of $1,646,069 for representatives of indigenous communities and organizations to attend the tenth session of the Permanent Forum on Indigenous Issues. Thirty grants were allocated for an estimated total of $156,330.

24. The Board also considered 215 applications for travel for an estimated total amount of $687,000 for representatives of indigenous communities and organizations to attend the fourth session of the Expert Mechanism on the Rights of Indigenous Peoples. Twenty-four grants were allocated for an estimated total of $78,937.

B. Twenty-fifth session of the Board of Trustees: consideration of applications received

25. During its twenty-fifth annual session, the Board considered more than 265 admissible applications for an estimated total of $1,003,719. Forty-four grants for an estimated amount of $166,463 were allocated to support the participation of representatives of indigenous peoples' organizations and communities in the eleventh session of the Permanent Forum on Indigenous Issues in May 2012, the fifth session of the Expert Mechanism on the Rights of Indigenous Peoples in July 2012, the thirteenth session of the Working Group on the Universal Periodic Review in May and June 2012 and the twentieth session of the Human Rights Council in June and July 2012, as well as sessions of the treaty bodies. The Board also decided to set aside a budget of $52,394 to allocate, through intersessional virtual meetings, grants for sessions of the human rights treaty bodies, the Human Rights Council and its universal periodic review to be held from July 2012 to March 2013.

C. Other recommendations made and new developments

Impact assessment and follow-up activities

26. The Board of Trustees recommended that the practice be continued of requesting beneficiaries to report on activities they had undertaken while attending a given session and to provide information on any follow-up activities organized upon their return home. The Board also proposed that, whenever possible, beneficiaries of the Fund contact the OHCHR field presences and the United Nations Development Programme to seek assistance on follow-up activities for the implementation of recommendations formulated by the human rights mechanisms. In addition, the Board suggested that collaboration between OHCHR field representatives and beneficiaries of the Fund be strengthened, with a view to raising awareness of the principles contained in the United Nations Declaration on the Rights of Indigenous Peoples and supporting its implementation.

Capacity-building and training

27. The Board members emphasized the need to increase efforts to build the capacity of indigenous representatives to effectively participate in and contribute to sessions of the Human Rights Council, the universal periodic review and the human rights treaty bodies. The Board held extensive discussions on means of maximizing the preparation, participation and follow-up activities of beneficiaries attending these human rights mechanisms, as well as the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples. The Board commended the work done by the Indigenous Peoples' Center for Documentation, Research and Information and recommended that it organize induction courses and human rights training sessions for the beneficiaries of the Fund during sessions of the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples.

28. The Board also held a videoconference with the University of Arizona to discuss the possibility of elaborating a training manual for the beneficiaries of the Fund.

Awareness-raising tools for the Fund

29. During its twenty-fourth session, the Board of Trustees recommended that a video be produced on the impact of the participation of the people to whom the Fund had made grants. The video was produced in 2011 by an independent film-maker, Mélanie Nielsen, who compiled testimonies of former beneficiaries of the Fund. The video was shown at the twenty-fifth session of the Board during the annual meeting with representatives of donor countries and other interested Governments, which was held on 9 February 2012.

30. The Board also recommended that a leaflet on the Fund be produced in English, French, Russian and Spanish. A draft leaflet has been prepared by the secretariat of the Fund and will be reviewed by the Board in 2012.

Information-sharing and collaboration with other human rights mechanisms

31. The Board of Trustees recommended that either the Chair or another member of the Board continue to represent the Board at sessions of the Permanent Forum on

Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples and also attend those sessions of the Human Rights Council at which indigenous peoples' issues are addressed, to give an update on the implementation of the mandate of the Fund and other developments.

32. The Board welcomed the constant collaborative efforts made by the Special Rapporteur on the rights of indigenous peoples, the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples to appeal to States and other interested parties to contribute financially to support the work of the Fund, as well as to help disseminate information on the activities of the Fund to their respective indigenous networks.

33. The Board also recommended that the secretariat of the Fund continue to collaborate with the Special Rapporteur by providing a list of people who have received grants in the past in countries that the Special Rapporteur is planning to visit. In that context, the Board welcomed the completion of the directory of past beneficiaries of the Fund.

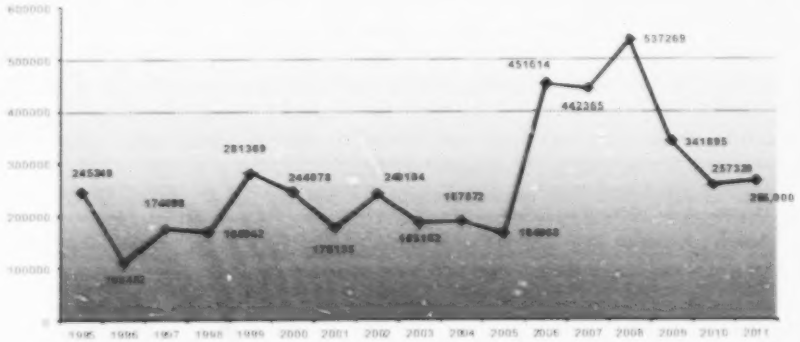
V. Financial status of the Fund and contributions received

34. The Fund is funded by means of voluntary contributions from Governments, non-governmental organizations and other private or public entities. In order to respond to increasing demands, to operate and fulfil its mandate in a satisfactory manner, the Fund needs to be supported on a regular basis.

35. The Board has regretted the decrease in the contributions between 2008 and 2011. Moreover, it has noted that the expansion of the mandate of the Fund to cover new human rights mechanisms and the increasing demands for financial support require substantial further funding.

36. The Board can allocate travel grants on the basis of the contributions paid and duly registered by the United Nations Treasurer, as well as any balance remaining from previous years, as established by the United Nations Office at Geneva. The figure shows the trend in contributions from 1995 to 2011.

Trend in contributions from 1995 to 2011



Contributions received from States (January 2010 to mid-June 2012)

Contributors	*Contributions in United States dollars*	*Date of receipt*
Argentina	10 000	14/02/2011
	10 000	23/02/2012
Australia	12 495	08/04/2011
	98 640	04/06/2012
Chile	5 000	18/08/2010
	5 000	08/11/2011
	5 000	30/12/2011
Cyprus	2 273	28/03/2011
	4 047	21/03/2012
Denmark	57 285	04/01/2010
Ecuador	1 000	04/08/2011
Estonia	8 119	02/09/2010
	9 299	06/07/2011
Finland	22 195	03/09/2010
	28 612	06/09/2011
Germany	67 295	23/04/2010
	51 852	11/05/2011
	46 481	12/04/2012
Holy See	976	23/04/2010
	1 000	09/09/2011
Mexico	17 353	24/05/2010
	19 068	17/07/2011
	24 188	04/06/2012
Norway	101 110	27/12/2011
Spain	13 387	29/12/2010
	13 680	received in 2011
Turkey	10 000	20/12/2010
	10 000	12/12/2011
Total contributions	**655 354**	

38. Governments, non-governmental organizations and other private or public entities can contribute to the Fund. Information on how to contribute can be obtained from the secretariat at: United Nations Voluntary Fund for Indigenous Populations, Office of the United Nations High Commissioner for Human Rights, Palais des Nations, CH-1211 Geneva 10, Switzerland, or e-mail: indigenousfunds@ohchr.org.

VI. Recommendations

The United Nations Fund for Indigenous Populations has continued to provide

Permanent Forum on Indigenous Issues and in the Expert Mechanism on the Rights of Indigenous Peoples. The expansion of the mandate has further increased the potential of the Fund as it now can also support indigenous participation in the Human Rights Council and in human rights treaty bodies. The Board of Trustees has, however, stressed that the decrease in the level of contributions to the Fund since 2008 is negatively affecting the implementation of the mandate of the Fund and that, should this trend continue, it could have a severe impact on the participation in United Nations mechanisms of the most vulnerable representatives of indigenous peoples. In the light of the above, all States and other potential donors are encouraged to consider supporting the work of the Voluntary Fund for Indigenous Populations so that it can continue to provide robust support for indigenous participation in the relevant mechanisms.

Annex

1. Additional criteria that apply to human rights treaty bodies

(a) Applicants must have knowledge and understanding of the relevant procedures of the human rights treaty bodies.

(b) Applicants must have knowledge and understanding of the issues and problems of the indigenous peoples concerned which are relevant to the respective treaty body.

(c) Applicants must have knowledge and understanding of national laws and international and indigenous human rights standards.

(d) In addition to the criteria for selection of applicants to the Voluntary Fund, applicants must abide by the specific rules and procedures of each treaty body.

2. Additional criteria that apply to the Human Rights Council

(a) Applicants must have knowledge and understanding of the relevant procedures of the Human Rights Council.

(b) Applicants must have knowledge and understanding of the issues and problems of the indigenous peoples concerned which are relevant to the Human Rights Council.

(c) Applicants must have knowledge and understanding of the universal periodic review and the special procedures of the Human Rights Council.

(d) Applicants must provide proof that the non-governmental organization they represent is in consultative status with the Economic and Social Council, or written confirmation of their accreditation from a non-governmental organization with that status.

3. Additional criteria that apply to the universal periodic review

(a) Applicants must have knowledge and understanding of the relevant human rights mechanisms and procedures of the Human Rights Council, in particular the universal periodic review.

(b) Applicants must have knowledge and understanding of the issues and problems of the indigenous peoples concerned, which can be demonstrated by the engagement of the sponsoring organization in the process leading to the review of the State concerned.

(c) Applicants must demonstrate the development of a strategy in order to monitor the implementation of the recommendations issued by the Human Rights Council during the review.

(d) Applicants must provide proof that the non-governmental organization they represent is in consultative status with the Economic and Social Council, or written confirmation of their accreditation from a non-governmental organization